

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JEFFREY A. MARSHALL,

Plaintiff,

v.

Civil Action No. **3:13CV04**

WAYNE L. EMERY, *et al.*,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on March 12, 2013, the Court conditionally docketed Plaintiff's civil action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

On March 21, 2013, the United States Postal Service returned the March 12, 2013 Memorandum Order to the Court marked, "RETURN TO SENDER," "NOT DELIVERABLE AS ADDRESSED," and "UNABLE TO FORWARD." (ECF No. 5.) On April 25, 2013, Plaintiff notified the Court of his updated address. Accordingly, the Clerk again sent the Memorandum Order and consent to collection of fees form to Plaintiff's new address. On May 3, 2013, the Court received a letter from Plaintiff which acknowledged his receipt of the Court's Memorandum Order and consent form, however, Plaintiff failed to return the consent to collection of fees form. On June 6, 2013, the Court received a letter from Plaintiff, however, Plaintiff again failed to return the consent form.

As Plaintiff has not complied with the orders of this Court, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 8-23-13
Richmond, Virginia

/s/
James R. Spencer
United States District Judge